

# RECLAMATION

*Managing Water in the West*

## AND

# TRINITY RIVER RESTORATION PROGRAM

**Funding Opportunity Announcement No. BOR-MP-16-0001**

**Central Valley Project Improvement Act  
FY 2016**



## **Mission Statements**

The U.S. Department of the Interior protects America's natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our future.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

## Synopsis

<b>Federal Agency Name:</b>	Department of the Interior, Bureau of Reclamation
<b>Funding Opportunity Title:</b>	Watershed Implementation
<b>Announcement Type:</b>	Funding Opportunity Announcement (FOA)
<b>Funding Opportunity Number:</b>	<b>BOR-MP-16-0001</b>
<b>Catalog of Federal Domestic Assistance (CFDA) Number:</b>	<b>15.532</b>
<b>Dates:</b> (See FOA Sec. IV.B)	Application due date: <b>March 1, 2016, 3:00 pm, Pacific Standard Time (PST)</b>
<b>Eligible Applicants:</b> (See FOA Sec. III.A)	<b>See FOA Section III.A</b>
<b>Recipient Cost Share:</b> (See FOA Sec. III.E)	No cost sharing required.
<b>Federal Funding Amount:</b> (See FOA Sec. II.B)	<b>\$500,000.00</b>
<b>Estimated Number of Agreements to be Awarded:</b> (See FOA Sec. II.B)	Anticipate one award, but in rare cases may accept multiple
<b>Estimated Amount of Funding Available for Award:</b> (See FOA Sec. II.A)	The Trinity Management Council has approved \$500,000.00 for Watershed implementation. The amount of funding available for award for this FOA will be determined once final FY 2016 appropriations have been made. This FOA will be cancelled if FY 2016 appropriations are insufficient to support new awards. Applications submitted under this FOA may also be considered if other funding becomes available in FY 2016 or subsequently.

Page Intentionally Blank



## **Acronyms and Abbreviations**

AOR	Authorized Organization Representatives
ARC	Application Review Committee
CFDA	Catalog of Federal Domestic Assistance
CE	Categorical Exclusion
CEC	Categorical Exclusion Checklist
CPA	Certified Public Accountant
DUNS	Data Universal Number System
EA	Environmental Assessment
E-Biz POC	E-Business Point of Contact
EIN	Employer Identification Number
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FAQ	Frequently Asked Question
FEMA	Federal Emergency Management Agency
FOA	Funding Opportunity Announcement
FY	Fiscal Year
GO	Grants Officer
IRS	Internal Revenue Service
MST	Mountain Standard Time
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
O&M	Operation and maintenance
OM&R	Operations, Maintenance, and Replacement
OMB	Office of Management and Budget
PI	Program Investigator
PM	Program Manager
ROD	Record of Decision
SAM	System for Award Management
SCADA	Supervisory Control and Data Acquisition
TIN	Taxpayer Identification Number
TRRP	Trinity River Restoration Program

## Table of Contents

<b>Section I. Funding Opportunity Description</b>	<b>8</b>
I.A. Program Description	8
I.B. Objective of Funding Opportunity Announcement	9
Category 1. Fine Sediment Reduction and Prevention	9
Category 2. Fish Habitat Connectivity Improvement	10
<b>Section II. Award Information</b>	<b>12</b>
II.A. Total Project Funding	12
II.B. Project Funding Limitations	12
II.C. Reclamation Responsibilities	12
II.D. Awarding	12
<b>Section III. Eligibility Information</b>	<b>13</b>
III.A. Eligible Applicants	13
III.B. Cost Share Requirements	14
(1) Cost Share Regulations	15
(2) In-Kind Contributions	15
III.C. Other Requirements	15
(1) Eligible Projects	16
(2) Ineligible Projects	16
(3) System for Award Management	16
III.D. Address to Request Application Package	16
III.E. Application Delivery Instructions	17
III.F. Content and Form of Application Submission	17
(1) Application Format and Length	17
(2) Application Content	18
III.G. Submission Dates and Times	23
III.H. Other Submission Requirements	23
(1) Applications Submitted by Mail	23
(2) Applications Submitted Electronically	24
(3) Applying for Funds Online at Grants.gov	24
<b>Section IV. Application Review Information</b>	<b>27</b>
IV.A. Evaluation Criteria	27
IV.B. Review and Selection Process	29
IV.C. Pre-Award Clearances and Approvals	30
<b>Section V. Award Administration Information</b>	<b>31</b>
V.A. Award Notices	31
V.B. Administrative and National Policy Requirements	31
(1) Overview of Environmental Compliance Requirements	31
(2) Overview of Relevant Environmental Laws	31
V.C. Reporting	34
(1) Financial Reports	34
(2) Program Performance Reports	34

---

<b>Section VI. Agency Contact(s) .....</b>	<b>35</b>
<b>Section VII. References .....</b>	<b>35</b>



---

## **Section I. Funding Opportunity Description**

### **I.A. Program Description**

The Trinity River Restoration Program (TRRP) is a multi-agency effort headquartered in Weaverville, California with the goal to restore and sustain natural production of anadromous fish populations downstream of Lewiston Dam to pre-dam levels by restoring natural river processes. TRRP partners include the U.S. Bureau of Reclamation (Reclamation), U.S. Fish and Wildlife Service (Service), NOAA Fisheries, U.S. Forest Service, Hoopa Valley Tribe (HVT), Yurok Tribe, California Natural Resources Agency (Departments of Fish and Wildlife, and Water Resources), and Trinity County (TC). Information about the TRRP can be found online at <http://www.trrp.net/>.

The strategy to accomplish the TRRP's goal includes increased flow releases, sediment management and control, mechanical channel rehabilitation, watershed restoration, and an adaptive management program (USDOI, 2000). This approach resulted from years of study that culminated in the Trinity River Flow Evaluation Study (TRFES) (Service and HVT, 1999). The TRFES's recommended restoration methods, as well as other alternatives, were subsequently described and fully evaluated in an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (Service, Reclamation, HVT, and TC, 2000). In the Record of Decision (ROD) (USDOI, 2000), the TRRP was formed to implement the Preferred Alternative as described in the Final EIS/EIR.

This FOA is expected to result in the awarding of a grant or cooperative agreement specifically to help implement the watershed restoration component of the TRRP. The Implementation Plan for the Preferred Alternative of the Trinity River Final EIS/EIR (Implementation Plan) (Stalnaker and Wittler, 2000), explains the impetus for the watershed program plus describes work activities, priorities, and funding sources.

Authorization for TRRP funding is contained in applicable appropriations acts. Reclamation has authority to award grants or cooperative agreements for planning, design, outreach and implementation projects in furtherance of the TRRP. The statutory authority to implement these responsibilities under TRRP is contained in the Central Valley Project Improvement Act.

This FOA solicits applications from eligible entities for a grant or cooperative agreement to be awarded pursuant to the statutory authority referenced above. Approximately \$500,000.00 may be awarded under this FOA contingent on the quality of applications received, funding availability and other applicable

considerations. Applications are requested for projects within the two categories specified in this FOA.

All projects will be evaluated as described in Section V which also highlights factors that may result in more favorable evaluations.

## **I.B. Objective of Funding Opportunity Announcement**

Applications are requested for the two categories of activities described below. Proposals should demonstrate a high probability of contributing to recovery of anadromous species, especially through mitigation of existing threats or factors inhibiting recovery of the species.

### **Category 1. Fine Sediment Reduction and Prevention.**

Background: The EIS/EIR (Service, Reclamation, HVT, and TC, 2000), Trinity River Mainstem Fishery Restoration ROD (USDOI, 2000), and Implementation Plan (Stalnaker and Wittler, 2000), describe how fine sediment input from tributaries impact the main stem Trinity River and its fishery.

The TRRP would like to reduce detrimental inputs of fine sediment by reducing upslope contributions and increasing retention time and sorting of instream fine sediment in tributary channels.

Funding Opportunity Announcements: Reclamation expects to provide funding to reduce fine sediment transport from tributaries of the Trinity River. Applications must specify an end date no later than December 31, 2019.

Projects should accelerate ongoing efforts to reduce fine sediment loading by trapping and/or removing sediments through project through implementation in tributary watersheds, floodplains, riparian areas, and associated wetlands. Anticipated project types include road decommissioning, road treatment, upland erosion and sediment control, increasing instream roughness (large wood augmentation), improved sediment storage and retention on floodplains, and streambank treatment. Applications may include project design and planning, monitoring to establish baselines, and monitoring to assess project effectiveness.

Eligibility: To be eligible under this category, applications must demonstrate how the project will:

- Contribute to reductions in fine sediment loading and/or increases of fine sediment retention and sorting.
- Demonstrate the longevity of project outputs following completion of activities.

Information to include: Applicants should include all the information in the applicable section of the Narrative Proposal that is necessary for evaluation of the application. Applicants should provide a map that delineates the project boundaries within the selected watershed and identifies the targeted areas where

work will be implemented. Applicants should also provide a realistic timeline which documents when all on-the-ground measures will be implemented and fully functional. Note also the provisions of section IV.C.(2). *Application Content*, found under section IV.C. *Content and Forms of Application* regarding Environmental and Regulatory Compliance requirements and approvals.

Outputs from the projects under this category should include one or more of the following:

- Predicted fine sediment reductions (measured in cubic yards)
- Number of priority sediment delivery treatments
- Length of road treated or decommissions (miles)
- Number of large wood pieces used
- Number of instream wood structures
- Number of acres or linear feet of vulnerable watershed areas (e.g. upslope, floodplain, and riparian areas) treated that intercept and sequester fine sediment.

Applicants must also demonstrate how their proposed project will achieve one or more of the following outcomes:

- Long-term and sustainable improvements to water quality.
- Improved conditions for important life stages of fish resulting in increased productivity.

## **Category 2. Fish Habitat Connectivity Improvement**

**Background:** The EIS/EIR (Service, Reclamation, HVT, and TC, 2000), Trinity River Mainstem Fishery Restoration ROD (USDOJ, 2000), and Implementation Plan (Stalnaker and Wittler, 2000) include activities that improve or enhance connectivity between fish habitats in furtherance of programmatic goals to increase fish production.

**Funding Opportunity Announcements:** Reclamation expects to provide funding to improve fish habitat connectivity in tributaries of the Trinity River that support anadromous fish populations. Applications must specify an end date no later than December 31, 2019.

Projects should improve or enhance habitat connectivity (longitudinal as well as lateral) between fish habitats in eligible tributaries through project implementation in tributary channels, floodplains, riparian areas, and associated wetlands. This is anticipated to be accomplished primarily through the enhancement of fish passage through manmade or artificial barriers (partial and full) but will also be accomplished by other means deemed appropriate (e.g. by improving floodplain connectivity and instream pool frequency/depth or improving instream flow to connect fish habitats in managed tributaries). While it is expected that most of the projects will be dedicated to on the ground implementation, applications may include project design and planning. Recipient entity will demonstrate the ability and resources to provide baseline monitoring

information and assume long-term monitoring to demonstrate project effectiveness.

Information to include: Applicants should include all the information in the applicable section of the Narrative Proposal that is necessary for evaluation of the application. Applicants should provide a map that delineates the project boundaries within the selected watershed and identifies the targeted areas where work will be implemented. Applicants should also provide a realistic timeline which documents when all on-the-ground measures will be implemented and fully functional in terms of fish habitat connectivity. Also be sure to note if any permits or approvals will be required.

Eligibility: To be eligible in this category, applications must demonstrate that the project will:

- Improve or enhance connectivity between fish habitats in eligible tributaries and
- Demonstrate the longevity of project outputs following completion of activities.

Outputs from the projects under this category should include one or more of the following:

- Extent of area (linear feet or acres) in which access was provided or enhanced
- Habitat features or pools created to enhance connected habitats
- Estimates of improved instream flow contributions (e.g. cfs or acre feet) during target period

Applicants must also demonstrate how their proposed project will achieve one or more of the following outcomes:

- Improved habitat conditions for important life stages of fish resulting in increased productivity.

- **Program Authority**

Authorization for the TRRP is the Central Valley Project Improvement Act (CVPIA), 1992, Public Law 102-575, Title 34, Section 3406(b)(23) and 3406(b)(1) to address adverse environmental impacts of the Central Valley Project (CVP) on fish, wildlife, associated habitats and natural production of anadromous fish in the Trinity River basin of California by protecting, restoring, and enhancing such habitats.

## **Section II. Award Information**

### **II.A. Total Project Funding**

Approximately \$500,000.00 in Reclamation funding is expected to be awarded under this FOA. Reclamation will fund a project as a result of this FOA, which will be based on the quality of applications received, the availability of funding, and other applicable considerations.

### **II.B. Project Funding Limitations**

The ability to award a financial assistance agreement is dependent on fiscal year 2016 appropriations approved by Congress, and the number of successful applications.

### **II.C. Reclamation Responsibilities**

If substantial involvement between Reclamation/Service and the Recipient is anticipated during the performance of the project, the anticipated award instrument will be a cooperative agreement. In support of this agreement, Reclamation/Service will provide the following:

Reclamation/Service shall collaborate and participate with the Recipient in the management of the project and oversee the Recipient's activities to ensure that the program objectives are being achieved as per the cooperative agreement. This oversight shall include review, input, and approval at key interim stages of the project as identified in the Recipient's application.

If substantial involvement is not anticipated on the part of Reclamation/Service, the financial assistance instrument will be a grant. With a grant, Reclamation will not be as directly involved, but there will still be goals and objectives that must be met by the recipient.

Reclamation/Service also retains the rights to make awards using either grants or cooperative agreements.

### **II.D. Awarding**

Anticipated Project Start and End Dates: This Funding Opportunity Announcement instructs applicants to submit certifications and other documentation required for a full and complete funding package so that their projects could, if selected, proceed expeditiously. Applications for the respective categories should specify a start date on or around April 1, 2016 and must specify an end date no later than December 31, 2019.

**Additional Awards:** Reclamation reserves the right to make additional awards under this FOA, consistent with Agency policy and guidance, if additional funding becomes available after (or at the time) original selections are made. Any additional selections for awards will be made no later than six months after the original selection decisions.

**Award Funding:** Award funding is authorized through the CVPIA and projects must demonstrate the causal relationship between the construction and operation of the Trinity River Division and the mitigation to be provided by the proposed project to be eligible for funding. Awards may be fully or incrementally funded, as appropriate, based on funding availability, future appropriations, and satisfactory performance of work, program priorities, and other applicable considerations.

**Funding Type:** Successful applicants will be issued a grant or cooperative agreement.

**Future Funding:** Selection or award of funding under this FOA is not a guarantee of future funding.

**Partial Funding:** In appropriate circumstances, Reclamation reserves the right to partially fund applications by funding discrete portions or phases of proposed projects. If Reclamation partially funds a project it will do so in a manner that does not prejudice any applicants or affect the basis upon which the application, or portion thereof, was evaluated and selected for award, and, therefore, maintains the integrity of the competition and selection process.

## **Section III. Eligibility Information**

### **III.A. Eligible Applicants**

Non-federal governmental entities, including State, local, Indian Tribal Governments and nonprofit organizations are eligible to apply for funding under this FOA. Project records should be maintained in accordance with 2 CFR Part 200. Individuals, foreign organizations and governments, nonprofit organizations exempt from taxation under section 501(c)(4) of the Internal Revenue Code that engages in lobbying, and “for-profit” organizations are not eligible. A “nonprofit organization,” as defined by OMB Circular A-122, and codified at 2 CFR Section 200.70, means any corporation, trust, association, cooperative, or other organization that: (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations. Applicants must meet all eligibility criteria at the time of their submission, including an active registration in both the System for Award Management (SAM) and Data Universal Numbering System (DUNS).

Eligible Minority Academic Institutions, as described here in, are strongly encouraged to apply for funding under this competition.

### **III.B. Cost Share Requirements**

There is no cost-sharing or matching requirement as a condition of eligibility under this FOA.

Although cost-sharing/matching is not required as a condition of eligibility under this competition, Reclamation will consider voluntary cost-sharing/matching and other leveraging as a part of the overall reviewed application and this may result in more favorable review.

Leveraging generally refers to situations where an applicant proposes to provide its own additional funds/ resources or those from third party sources to support or complement the project they are awarded under the competition which are above and beyond the Reclamation grant or cooperative agreement funds awarded. Any leveraged funds/resources, and their source, must be identified in the proposal.

Voluntary cost share is a form of leveraging. Voluntary cost sharing refers to situations where an applicant voluntarily proposes to legally commit to provide costs or contributions to support the project when a cost share is not required. Applicants who propose to use a voluntary cost share must include the costs or contributions for the voluntary cost share in the project budget on the SF-424. If an applicant proposes a voluntary cost share, the following apply:

A voluntary cost share is subject to the match provisions in the Federal Award regulations (2 CFR Part 200).

The recipient may not use other sources of Federal funds to meet a voluntary cost share unless the statute authorizing the other Federal funding expressly provides that the Federal funds may be used to meet a cost share requirement on a Federal grant or cooperative agreement.

The recipient is legally obligated to meet any proposed voluntary cost share that is included in the approved project budget. If the proposed voluntary cost share does not materialize during the agreement performance, then Reclamation may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 2 CFR Part 200.

Other leveraged funding/resources that are not identified as a voluntary cost share should not be included in the budget and the costs need not be eligible and allowable project costs. While this form of leveraging should not be included in the budget, the work plan should include a statement indicating that the applicant expects to produce the proposed leveraging consistent with the terms of the announcement and the applicant's proposal. This form of leveraging may be met by funding from another Federal agreement from an applicant's own resources, or resources from other third party sources. If applicants propose to provide this form of leveraging, Reclamation expects them to make the effort to secure the leveraged resources described in their proposals. If the proposed leveraging does

not materialize during the agreement performance, then Reclamation may reconsider the legitimacy of the award and/or take other appropriate action as authorized by 2 CFR Part 200 as applicable.

**(1) Cost Share Regulations**

All cost-share contributions must meet the criteria established by the Office of Management and Budget's (OMB) cost principles that apply to the applicant, these can be found in 2 CFR Part 200. These regulations are available at <http://www.whitehouse.gov/omb/circulars>.

**(2) In-Kind Contributions**

In-kind contributions constitute the value of noncash contributions that benefit a federally assisted project. These contributions may be in the form of real property, equipment, supplies and other expendable property, as well as the value of goods and services directly benefiting and specifically identifiable to the project or program. The cost or value of in-kind contributions that have been or will be relied on to satisfy a cost-sharing or matching requirement for another Federal financial assistance agreement, a Federal procurement contract, or any other award of Federal funds may not be relied on to satisfy the cost-share requirement for Trinity River Restoration Program financial assistance awards.

### **III.C. Other Requirements**

If the requirements are not met by the applicant by the time of application submission, it will result in elimination of the application from consideration for funding. Only applications for eligible activities from eligible entities (see above definitions of applicant eligibility, eligible activities, and ineligible activities) that meet these criteria by the time of application submission will be evaluated against the ranking factors. Applicants deemed ineligible for funding consideration as a result of the threshold eligibility review will be notified by e-mail within 15 calendar days of the ineligibility determination.

Applications must substantially comply with the application submission instructions and requirements or else they will be rejected. Where a page limit is stated for the Narrative Proposal, pages in excess of the limitation will not be reviewed.

Applications must be submitted to Reclamation through <http://www.grants.gov> (or any approved alternate means). Applicants are responsible for ensuring that their applications are received by the deadline identified. Faxed submissions will not be accepted.

An application received after the deadline will be considered late and rejected without further consideration unless the applicant can clearly demonstrate and document that its application was late due solely to Reclamation mishandling or technical problems attributable to Grants.gov.



Applicants may submit more than one application under this FOA so long as each application is for a different project and is separately submitted.

An application for a multi-phase project will be treated as a request for the full amount for all phases.

Applicants should contact the applicable individuals listed with any questions about the threshold eligibility requirements that may apply to a particular category.

#### **(1) Eligible Projects**

Unless specifically excluded under this FOA, assistance is available to eligible applicants for planning, design, outreach, and implementation. Projects must directly contribute to the recovery of anadromous fish populations and demonstrate the causal relationship between the effects of construction and operation of the Trinity River Division and the mitigation measures provided by the proposed project.

Applications for other activities will be rejected.

#### **(2) Ineligible Projects**

If an application is submitted that includes any ineligible activities, including those listed below, that portion of the application will be ineligible for funding and may, depending on the extent to which it affects the application, render the entire application ineligible. The following are ineligible activities:

- Activities that take place predominately within the mainstem Trinity River (these projects are funded with other funding mechanisms).
- Activities that focus on protection or enhancement of non-anadromous species.

#### **(3) System for Award Management**

All applicants must be registered in the System for Award Management (SAM) prior to award under this FOA. The SAM and instructions for registration are located at <<https://www.sam.gov>>. All applicants must maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration.

## **Application and Submission Information**

### **III.D. Address to Request Application Package**

This document contains all information, forms, and electronic addresses required to obtain the information required for submission of an application.

If you are unable to access this information electronically, you can request paper copies of any of the documents referenced in this FOA by contacting:

By mail: Bureau of Reclamation  
Mid-Pacific Region  
Attn: Teresa E. Brown  
Mail Code: MP-3839  
2800 Cottage Way, Room E-1815  
Sacramento, CA 95825-1898

E-mail: [tebrown@usbr.gov](mailto:tebrown@usbr.gov)

### **III.E. Application Delivery Instructions**

Applications may be submitted electronically through [<http://www.grants.gov>](http://www.grants.gov) or hard copies may be submitted as follows. Under no circumstances will applications received through any other method (such as email or fax) be considered eligible for award.

By mail:

Bureau of Reclamation  
Mid-Pacific Region  
Attn: Teresa E. Brown  
Mail Code: MP-3839  
2800 Cottage Way, Room E-1815  
Sacramento, CA 95825-1898

### **III.F. Content and Form of Application Submission**

Each applicant shall submit an application in accordance with the instructions contained in this section.

#### **(1) Application Format and Length**

The total application package shall be no more than fifteen **consecutively numbered** pages and shall be **single spaced**. If an application exceeds fifteen pages, the remaining pages will not be reviewed. The font shall be at least 12 points in size and easily readable. Page size shall be 8 ½" x 11. The SF-424 forms are not considered in the total page count.

Applications will be prescreened for compliance to the page number limitations.

## **(2) Application Content**

The application must include the following elements in order to be considered complete:

- a) Application for Federal Assistance (SF-424)
- b) Budget Information for Non-Construction Programs (SF-424A) or Construction Programs (SF-424C)
- c) Assurances for Non-Construction Programs (SF-424B) or Assurances for Non-Construction Programs (SF-424D)
- d) Grants.gov Lobbying Form (6600-06)
- e) Technical Proposal
- f) Other Attachments Form - Resumes or curriculum vitae of Principal Investigators and Critical Staff
- g) Disclosure of Lobbying Activities (SF-LLL)
- h) Other Attachments Form - Negotiated Indirect Cost Rate Agreement
- i) Other Attachments Form - Letters of support
- j) Other Attachments Form - Maps or charts.
- k) Other Attachments Form – Environmental and Regulatory Compliance.

SF-424, SF-424A, SF-424B, SF-424C and SF-424D forms may be obtained at <http://apply07.grants.gov/apply/FormLinks?family=15>.

### **a. SF-424 Application Cover Page**

This fully completed form must be signed by a person legally authorized to commit the applicant to performance of the project. **Failure to submit a properly signed SF-424 may result in the elimination of the application from further consideration.**

### **b. SF-424 Assurances**

A SF-424B – Assurances – Non-Construction Programs or an SF-424D – Assurances – Construction Programs, signed by a person legally authorized to commit the applicant to performance of the project shall be included. Questions regarding whether to use SF-424B or SF-424D should be referred to Teresa E. Brown at: [tebrown@usbr.gov](mailto:tebrown@usbr.gov) **Failure to submit a properly signed SF-424B or SF-424D may result in the elimination of the application from further consideration.**

### **c. Technical Proposal**

The technical proposal and evaluation criteria are detailed in the attached proposal template.

### **d. Project Budget**

#### ***(1) Budget Proposal Format***

Include a project budget that estimates all costs (not just costs to be borne by Reclamation). Include the value of in-kind contributions of goods and services and sources of funds provided to complete the project. The proposal must clearly delineate between Reclamation and applicant contributions.

The project budget shall include detailed information on the categories listed below (Salaries and Wages, Fringe, Travel, etc) and must clearly identify all project costs and the funding source(s) (i.e., Reclamation or other funding sources). Unit costs shall be provided for all budget items including the cost of work to be provided by contractors. **Lump sum costs are not acceptable.** Additionally, applicants shall include a narrative description of the items included in the project budget. It is strongly advised that applicants use the budget format shown on Table 3 (Sample Budget Proposal Format) at the end of this section or a similar format that provides this information.

## ***(2) Budget Narrative Format***

Submission of a budget narrative is mandatory. An award will not be made to any applicant who fails to fully disclose this information. The Budget Narrative provides a discussion of, or explanation for, items included in the budget proposal. The types of information to describe in the narrative include, but are not limited, to those listed in the following subsections.

### **a. Salaries and Wages**

Indicate program manager and other key personnel by name and title. Other personnel may be indicated by title alone. For all positions, indicate salaries and wages, estimated hours or percent of time, and rate of compensation proposed. The labor rates should identify the direct labor rate separate from the fringe rate or fringe cost for each category. All labor estimates, including any proposed subcontractors, shall be allocated to specific tasks as outlined in the recipient's technical project description. Labor rates and proposed hours shall be displayed for each task.

Clearly identify any proposed salary increases and the effective date.

Generally, salaries of administrative and/or clerical personnel will be included as a portion of the stated indirect costs. If these salaries can be adequately documented as direct costs, they should be included in this section; however, a justification should be included in the budget narrative.

### **b. Fringe Benefits**

Indicate rates/amounts, the specific costs that are included in this category, and the basis of the rate computations. Indicate whether these rates are used for application purposes only or whether they are fixed or provisional rates for billing purposes. Federally approved rate agreements are acceptable for compliance with this item.

### **c. Travel**

Include purpose of trip, destination, number of persons traveling, length of stay, and all travel costs including airfare (basis for rate used), per diem, lodging, and miscellaneous travel expenses. For local travel, include mileage and rate of compensation.

**d. Equipment**

Itemize costs of all equipment having a value of over \$500.00 and include information as to the need for this equipment, as well as how the equipment was priced if being purchased for the agreement. If equipment is being rented, specify the number of hours and the hourly rate. Local rental rates are only accepted for equipment actually being rented or leased for the project. If equipment currently owned by the applicant is proposed for use under the proposed project, and the cost to use that equipment is being included in the budget as in-kind cost share, provide the rates and hours for each piece of equipment owned and budgeted. These should be ownership rates developed by the recipient for each piece of equipment. If these rates are not available, the U.S. Army Corp of Engineer's recommended equipment rates for the region are acceptable. Blue book, Federal Emergency Management Agency (FEMA), and other data bases should not be used.

**e. Materials and Supplies**

Itemize supplies by major category, unit price, quantity, and purpose, such as whether the items are needed for office use, research, or construction. Identify how these costs were estimated (i.e., quotes, past experience, engineering estimates or other methodology).

**f. Contractual**

Identify all work that will be accomplished by sub recipients, consultants, or contractors, including a breakdown of all tasks to be completed, and a detailed budget estimate of time, rates, supplies, and materials that will be required for each task. If a sub recipient, consultant, or contractor is proposed and approved at time of award, no other approvals will be required. Any changes or additions will require a request for approval. Identify how the budgeted costs for sub recipients, consultants, or contractors were determined to be fair and reasonable.

**g. Environmental and Regulatory Compliance Costs**

Applicants must include a line item in their budget to cover environmental compliance costs. "Environmental compliance costs" refer to costs incurred by Reclamation or the recipient in complying with environmental regulations applicable to Trinity River Restoration Program financial assistance agreement, including costs associated with any required documentation of environmental compliance, analyses, permits, or approvals. Applicable Federal environmental laws could include ESA, NHPA, and the Clean Water Act, and any other applicable requirements depending on the project.

The amount of the line item should be based on the actual expected environmental compliance costs for the project. However, the minimum amount budgeted for environmental compliance should be equal to at least 1-2 percent of the total project costs. If the amount budgeted is less than 1-2 percent of the total project costs, the budget narrative must include a compelling explanation of why less than 1-2 percent was budgeted.

How environmental compliance activities will be performed (e.g., by Reclamation, the applicant, or a consultant) and how the environmental compliance funds will be spent, will be determined pursuant to subsequent agreement between Reclamation and the applicant. If any portion of the funds budgeted for environmental compliance is not required for compliance activities, such funds may be reallocated to the project, if appropriate.

**e. Reporting**

Recipients are required to report on the status of their project on a regular basis. Include a line item for reporting costs (including final project and evaluation costs). Please see Section VI.C. for information on types and frequency of reports required.

**f. Other**

Any other expenses not included in the above categories shall be listed in this category, along with a description of the item and what it will be used for. No profit or fee will be allowed.

**g. Indirect Costs**

Show the proposed rate, cost base, and proposed amount for allowable indirect costs based on the applicable OMB circular cost principles (see Section III.E., "Cost Sharing Requirement") for the recipient's organization. It is not acceptable to simply incorporate indirect rates within other direct cost line items.

Indirect costs that will be incurred during the development or construction of a project, which will not otherwise be recovered, may be included as part of the applicant's cost share. Indirect costs are those: (1) incurred for a common or joint purpose benefiting more than one cost objective, and (2) not readily assignable to any one cost objective. If the recipient has separate rates for recovery of labor overhead and general and administrative costs, each rate shall be shown. The applicant should propose rates for evaluation purposes, which will be used as fixed or ceiling rates in any resulting award.

If the applicant proposes indirect costs in the budget, then the applicant must either supply a copy of a current federally-negotiated indirect cost rate agreement or obtain an agreement within one year of award. If a federally approved indirect rate agreement is not available, provide supporting documentation for the rate. This can include a recent recommendation by a qualified certified public accountant (CPA) along with support for the rate calculation.

If you do not have a federally approved indirect cost rate agreement, or if unapproved rates are used, explain why, and include the computational basis for the indirect expense pool and corresponding allocation base for each rate. Information on “Preparing and Submitting Indirect Cost Proposals” is available from Interior, the National Business Center, and Indirect Cost Section, at <http://www.aqd.nbc.gov/services/ICS.aspx>.

For further information on indirect costs, refer to the applicable OMB cost principles circular referenced above and available at <http://www.whitehouse.gov/omb/circulars>.

#### **h. Contingency Costs**

All proposed contingency line-items must be supported by a rationale. Further, in most cases, contingency cost estimates are limited to 10 percent of projected construction costs.

#### **i. Total Cost**

Indicate total amount of project costs, including the Federal and non-Federal cost-share amounts.

#### **j. Budget Cost**

**Budget Form** In addition to the above-described budget information, the applicant must complete an SF-424A, Budget Information—Nonconstruction Programs, or an SF-424C, Budget Information—Construction Programs. These forms are available at <http://apply07.grants.gov/apply/FormLinks?family=15>.

Table 3. Sample Budget Proposal Format

Budget Item Description	\$/Unit And Unit	Quantity	Recipient Funding	Reclamation Funding	Total Cost
<b>Salaries and Wages</b>					
Employee 1					
Employee 2					
Employee 3					
<b>Fringe Benefits</b>					
Full-Time Employees					
Part-Time Employees					
<b>Travel</b>					
Trip 1					
Trip 2					
Trip 3					
<b>Equipment</b>					
Item A					
Item B					

Item C					
<b>Supplies/Materials</b>					
Office Supplies					
Construction					
<b>Contractual/Construction</b>					
Item 1					
Item 2					
<b>Environmental and Regulatory Compliance</b>					
Other					
Reporting					
<b>Total Direct Costs</b>					
Indirect Costs - __%					
<b>Total Project Costs</b>					

The applicant may use this format or submit the information in a different format which provides a detailed breakdown of costs and need justification for budgets presented in the SF424A, 424B, C or D.

Contracts should be broken out into specific line items. Applicants may attach a separate, detailed budget for each contract to adequately address all contractor budget items.

Environmental and regulatory compliance should be at least 1-2 percent unless a justification is provided for a lesser amount.

### III.G. Submission Dates and Times

Application submission date deadline:

**March 1, 2016 at 3:00 p.m. Pacific Standard Time (PST)**

Proposals received after the application deadline will not be considered unless it can be determined that the delay was caused by Federal government mishandling or by the Grants.gov application system.

### III.H. Other Submission Requirements

#### (1) Applications Submitted by Mail

- Applicants shall submit an original and one copy of all application documents for hardcopy submissions. Each document should be clearly identified as the "ORIGINAL" or as a "COPY."

Please only staple or binder clip documents submitted.



- Hard copy applications may be submitted by mail or express methods to the addresses listed in Section IV.C, above.
- Materials arriving separately will not be included in the application package and may result in the application being rejected or not funded. This does not apply to letters of support, funding commitment letters and official resolutions,
- Faxed and emailed copies of application documents will not be accepted.
- Do not include a cover letter or company literature/brochure with the application. All pertinent information must be included in the application package.

## **(2) Applications Submitted Electronically**

If the applicant chooses to submit an electronic application it must be submitted through Grants.gov at <http://www.grants.gov>.

- Please note that submission of an application electronically requires prior registration through Grants.gov, which may take 7-21 days. Please see registration instructions at [http://www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
- Applicants have sometimes experienced significant delays when attempting to submit applications through Grants.gov. If you plan to submit your application through Grants.gov, you are encouraged to submit your application several days prior to the application deadline. If you are a properly registered Grants.gov applicant and encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help desk to obtain a “Case Number.” This Number will provide evidence of your attempt to submit an application prior to the submission deadline.

Regardless of the delivery method used, you must ensure that your proposal arrives by the date and time stated in Section IV.D., above. Late applications will not be accepted unless it is determined that the delay was caused by Federal government mishandling or by a problem with the Grants.gov application system.

## **(3) Applying for Funds Online at Grants.gov**

Reclamation is participating in the Grants.gov initiative that provides the grant community with a single website to find and apply for grant funding opportunities. Reclamation encourages applicants to submit their applications for funding electronically through [http://www.grants.gov/applicants/apply\\_for\\_grants.jsp](http://www.grants.gov/applicants/apply_for_grants.jsp). Applicant resource documents and a full set of instructions for registering with Grants.gov and completing and submitting

applications online are available at: <<http://www.grants.gov/applicants/resources.jsp>>.

**a. Assistance with Grants.gov**

If you need assistance with Grants.gov, the Contact Center is open 24 hours a day, 7 days a week. You may reach the Grants.gov Contact Center by email at <support@grants.gov> or by calling 1-800-518-4726.

If you are an individual applying for a grant on your own behalf, and not on behalf of a company, academic or research institution, state, local or tribal government, not-for-profit, or other type of organization, refer to the Individual Registration: <[http://www.grants.gov/applicants/individual\\_registration.jsp](http://www.grants.gov/applicants/individual_registration.jsp)>. If you apply as an individual to a grant application package designated for organizations, your application will be rejected.

**b. Registering to Use Grants.gov (1-3 week process)**

The following checklist is provided to give you a summary of the steps that are required to register with Grants.gov. **This Registration process must be completed prior to submitting an electronic application through Grants.gov.**

Additionally, see Table 1, Step 2 below for completing the annual Central Contractor Registration (CCR) renewal process.

**Note:** (The following checklist information is available electronically at <[http://www.grants.gov/assets/Organization\\_Steps\\_Complete\\_Registration.pdf](http://www.grants.gov/assets/Organization_Steps_Complete_Registration.pdf)>.) The registration is a one-time process, which is required before representatives of an organization can submit grant application packages electronically through Grants.gov. The registration process can take three to five business days or one to three weeks—depending on your organization and if all steps are met in a timely manner. The checklist in Table 1 provides registration guidance for a company, academic or research institution, State, local or tribal government, not-for-profit, or other type of organization.

**Table 1. Checklist for Registering Your Organization in Grants.gov**

√ Step	Actions to take	Purpose	Time required
<b>1: Obtain Data Universal Number System (DUNS) Number</b>	<p><b>Has my organization identified its DUNS number?</b></p> <p>Ask the grant administrator, chief financial officer, or authorizing official of your organization to identify your DUNS number.</p> <p>If your organization does not know its DUNS number or needs to register for one, visit Dun &amp; Bradstreet at &lt;<a href="http://fedgov.dnb.com/webform/displayHomePage.do">http://fedgov.dnb.com/webform/displayHomePage.do</a>&gt;</p>	The Federal government has adopted the use of DUNS numbers to track how Federal grant money is allocated. DUNS numbers identify your organization.	Same Day. You will receive DUNS number information online.

√ Step	Actions to take	Purpose	Time required
<b>2: Register With System for Award Management</b>	<p><b>Has my organization registered with the SAM?</b></p> <p>Ask the grant administrator, chief financial officer, or authorizing official of your organization if your organization has registered with the SAM.</p> <p>If your organization is not registered, you can apply online by going to <a href="https://www.sam.gov">https://www.sam.gov</a>. SAM has developed a handbook &lt; <a href="https://www.sam.uscontractorregistration.com/SAM">https://www.sam.uscontractorregistration.com/SAM</a> to help you with the process. If AFTER having registered in SAM, you experience any registration problems, you can get help by going to the Federal Service Desk &lt; <a href="https://www.fsd.gov">https://www.fsd.gov</a> &gt;.</p> <p>When your organization registers with SAM, you must designate an E-Business Point of Contact (E-Biz POC). This person will identify a special password called an "M-PIN."</p> <p>This M-PIN gives the E-Biz POC authority to designate which staff member(s) from your organization are allowed to submit applications electronically through Grants.gov. Staff members from your organization designated to submit applications are called Authorized Organization Representatives (AOR).</p>	Registering with the SAM is required for organizations to use Grants.gov.	<p>If your organization already has an Employer Identification Number (EIN) or Taxpayer Identification Number (TIN), then you should allow one – three business days to complete the entire SAM registration. The EIN and TIN will come from the Internal Revenue Service (IRS)</p> <p>If your organization does not have an EIN or TIN, then you should allow two weeks for obtaining the information from the IRS when requesting the EIN or TIN via phone or Internet. The additional number of days needed is a result of security information that needs to be mailed to the organization.</p>

**\*Note: Your organization needs to renew your SAM registration once a year. You will not be able to move on to Step 3 until you have renewed your SAM registration. This renewal may take up to 5 business days.**

<b>3: Username and Password</b>	<p><b>Have the AORs who officially submit applications on behalf of your organization completed their profile with Grants.gov to create their username and password?</b></p> <p>To create a username and password, AORs must complete their profile on Grants.gov. AORs will need to know the DUNS number of the organization for which they will be submitting applications to complete the process.</p> <p>After your organization registers with the SAM, AORs must wait one business day before they can complete a profile and create their usernames and passwords on Grants.gov.</p>	An AOR username and password serves as an "electronic signature" when submitting a Grants.gov application.	Same Day. After the AOR has completed their profile they will be prompted to create a username and password that will allow the user to login and check their approval status immediately.
---------------------------------	---	--	--

✓ Step	Actions to take	Purpose	Time required
<b>4: AOR Authorization</b>	<p><b>Has E-Biz POC approved AORs to submit applications on behalf of the organization?</b></p> <p>When an AOR registers with Grants.gov to submit applications on behalf of an organization, that organization's E-Biz POC will receive an email notification. The email the AOR submitted in the profile will be the email used when sending the automatic notification from Grants.gov to the E-Biz POC with the AOR copied on the correspondence.</p> <p>The E-Biz POC must then login to Grants.gov (using the organization's DUNS number for the username and the "M-PIN" password (obtained in Step 2) and approve the AOR, thereby giving him or her permission to submit applications.</p> <p>When an E-Biz POC approves an AOR, Grants.gov will send the AOR a confirmation email.</p>	Only the E-Biz POC can approve AORs. This allows the organization to authorize specific staff members or consultants/grant writers to submit grants. Only those who have been authorized by the E-Biz POC can submit applications on behalf of the organization.	This depends on how long it takes the E-Biz POC to login and approve the AOR, once the approval is completed the AOR can immediately submit an application.
<b>Step 5: Track AOR Status</b>	<p><b>What is your AOR status?</b></p> <p>AORs can also login to track their AOR status using their username and password (obtained in Step 3) to check if they have been approved by the E-Biz POC.</p>	To verify that the organization's E-Biz POC has approved the AOR.	Logging in to check your AOR status is instantaneous. The approval process to become an AOR depends on how long it takes the E-Biz POC to login and approve the AOR.

**NOTE:** Some applicants have experienced difficulties when attempting to submit their applications electronically through Grants.gov. If you encounter problems with the Grants.gov application submission process, you must contact the Grants.gov Help Desk (1-800-518-4726 or support@grants.gov) to obtain a "Case Number." This will provide evidence of your attempt to submit an application prior to the submission deadline.

## Section IV. Application Review Information

### IV.A. Evaluation Criteria

Applications will be evaluated against the Evaluation Criteria described in this Section V, which comprise 100 points of the total evaluation weight. Please note there are additional points available should one choose to participate in optional cost sharing. Projects may be prioritized to ensure balance among the program Task Areas and to ensure that the projects address the goals of the Trinity River Restoration Program.

#### 1. Benefit to Restoring Anadromous Fish Populations (40 points).

The proposal addresses a restoration need documented for the target species, age-class, and location (site, reach, watershed) and the beneficial response of anadromous fish species will be maintained over a reasonable duration.

Applications will be evaluated on clear identification of project goals and objectives and applicability of those goals and objectives to conservation and recovery goals for anadromous species, improved fish habitat connectivity and fine sediment reduction and prevention. Reviewers will also score the proposal based on their consideration of the contribution of potential outcomes, results, or products to species conservation and management goals; whether milestones and products are clearly identified; and whether performance measures for evaluating effectiveness of the completed project were clearly identified. (Score: 10-40 points; where, for example, 10= no importance/relevance to the program goals or objectives, very limited potential to contribute to anadromous species recovery; 20= moderately important/ relevant, and likely to make a moderate contribution to anadromous species recovery; 30=acceptable important/relevant, and likely to make an acceptable contribution to anadromous species recovery; 40= extremely important/relevant, and likely to make a significant contribution to anadromous species recovery).

## 2. Technical Merit (30 points).

The proposal addresses whether the approach is appropriate for achieving the stated goals and objectives, whether the approach will result in successful execution of the project, and if the anticipated results can be achieved in the time line specified. Reviewers will consider whether sufficient information is provided to evaluate the design of the project relative to the stated goals/objectives. (Score: 10-30 points; where, for example, 10= completely unsound and/ or unlikely to meet the stated objectives, application instructions were not followed, and no performance measures included; 20= intermediately sound, and/ or reasonably likely to meet the stated objectives, application instructions generally followed; 30= extremely sound and highly likely to meet the stated objectives, application instructions followed thoroughly).

## 3. Project Costs (20 points).

This criterion evaluates the budget to determine if it is sufficiently detailed, realistic and commensurate with the project needs and time-frame, and the extent to which this project leverages funds from other sources. The itemized costs and the overall budget must be adequately justified and appropriately allocated. The proposal identifies cost share source(s), type (cash or in-kind), the status of the cost share (secured, pending [if pending, the date a decision is expected to be made]), and the dollar amount/percent share of total cost (Score: 1-20 points; where, for example, 1= unrealistic and lacking sufficient detail, poor value for dollar; 10= adequately detailed and realistic, intermediate value for dollar; 20= extremely detailed and realistic, good value for dollar).

## 4. Overall Qualification of Applications (10 points).

This criterion addresses whether the applicant possesses the necessary expertise, experience, facilities, and administrative resources to accomplish the project. Reviewers will consider previous related experience and qualifications of the project's Program Manager (PM) or Principle Investigator (PI), Co-Manager(s) or Co-Investigator(s) and other personnel, including designated contractors, consultants, and cooperators. Reviewers will also consider past award performance of the applicant(s) and PM/PI. (Score: 1-10 points; where, for example, 1= completely unqualified and/or lacking the resources or capacity to accomplish the project, 5= intermediate level of qualifications or experience and/or adequate resources and capacity to accomplish the project, 10= extremely qualified/ experienced, has all necessary resources and demonstrated capacity to accomplish the project).

5. Optional Participation in Cost Sharing ( < 5 points).

This criterion is not required for consideration but can increase the overall evaluation score. As stated in section III.B, this generally refers to situations where an applicant proposes to provide its own additional funds/ resources or those from third party sources to support or complement the project they are awarded under the competition which are above and beyond the Reclamation grant or cooperative agreement funds awarded. Based on the amount volunteered and its enhancement to the overall value of the project, this criterion could result in up to an additional 5 points.

## **IV.B. Review and Selection Process**

The Government reserves the right to reject any and all applications which do not meet the requirements of this FOA or which are outside the scope of the Trinity River Restoration Program. Awards will be made for projects most advantageous to the Government. Award selection may be made to maintain balance among the program tasks.

Applications will first be evaluated against the threshold eligibility factors. Only those applications which meet all of the threshold eligibility factors will be evaluated using the evaluation criteria. Eligible applications will then be evaluated based on the criteria above by review panels. The panels are composed of technical representatives from federal, state, tribal, and county organizations excluding those entities that have submitted a proposal.

The review panel will rank the applications based on the criteria in Section V and develop recommendations for presentation to the Trinity Management Council <http://www.trrp.net/structure/tmc/>. Information pertaining to proposed recommendations may be shared with appropriate governmental departments or agencies before selections are made in order to determine whether potential selections (a) are expected to be funded by another funding department or agency or any other funding source or (b) could be affected by permitting or regulatory issues.

Final project selection will be made by members of the Trinity Management Council who will consider the review panel rankings and recommendations.

Any final selections made out of rank order must be documented and justified based on the factors listed above. Once selections have been made, a funding recommendation will be developed and forwarded to the Reclamation approving official.

#### **IV.C. Pre-Award Clearances and Approvals**

After completion of evaluation, Reclamation will notify applicants whose proposals have been selected for award consideration and will forward their applications to the appropriate Reclamation regional or area office for completion of environmental compliance.

The local Reclamation office will also complete a business evaluation and determination of responsibility. During these evaluations, the Grants Officer (GO) will also consider several factors which are important, such as:

- Pre-award clearances, determinations, reviews, and approvals
- Allowability and allocability of proposed costs
- Financial strength and stability of the organization
- Past performance, including satisfactory compliance with all terms and conditions of previous awards, such as environmental compliance issues, reporting requirements, proper procurement of supplies and services, and audit compliance
- Adequacy of personnel practices; procurement procedures; and accounting policies and procedures, as established by applicable OMB circulars.

If the results of all pre-award reviews and clearances are satisfactory, an award of funding will be made once the agreement is finalized (approximately one to three months from date of initial selection). If the results of pre-award reviews and clearances are unsatisfactory, consideration of funding for the project may be withdrawn.

## **Section V. Award Administration Information**

### **V.A. Award Notices**

Successful applicants will receive, by electronic or regular mail, a notice of award.

If the applicant is awarded a financial assistance agreement as a result of this FOA, the proposed project and other relevant information (e.g., expected water savings) from the application will be referenced in the agreement. The agreement document must be signed by a Reclamation GO before it becomes effective.

Standard Reclamation agreement formats which include the standard Reclamation terms and conditions for financial assistance awards are available at <http://www.usbr.gov/mso/aamd/doing-business-financial-assistance.html>.

### **V.B. Administrative and National Policy Requirements**

#### **(1) Overview of Environmental Compliance Requirements**

Before awarding the financial assistance agreement for the implementation of a Trinity River Restoration Program project, Reclamation is required to comply with applicable environmental laws. Such compliance requires the participation and cooperation of both Reclamation and Trinity River Restoration Program recipients. This information is intended to inform applicants about the environmental compliance process associated with Trinity River Restoration Program projects and to summarize the requirements of certain Federal environmental laws.

Reclamation addresses environmental compliance issues for Trinity River Restoration Program applications as 1) an initial review and 2) a more detailed view of projects initially recommended for award. First, as part of the initial recommendation process, Reclamation evaluates the appropriateness of the amount budgeted for environmental compliance. Reclamation also examines the proposal to determine whether any significant environmental issues are involved in the project. Second, once a proposal has been initially recommended for funding, Reclamation undertakes a more detailed examination of environmental issues associated with the proposed project to comply with applicable law.

#### **(2) Overview of Relevant Environmental Laws**

Following is a brief overview of NHPA, and ESA. While these statutes are not the only environmental laws that may apply to Trinity River Restoration Program projects, they are the Federal laws that most frequently do apply. Compliance with all applicable environmental laws will be initiated by Reclamation concurrently, immediately following the initial recommendation of a Trinity River



Restoration Program financial assistance award. The descriptions below are intended to provide information about the environmental compliance issues that may apply to proposed projects and to help budget appropriately for the associated compliance costs.

**a. National Historic Preservation Act**

To comply with Section 106 of the NHPA, Reclamation must consider whether a proposed project has the *potential to cause effects to historic properties*, before it can award a Trinity River Restoration Program financial assistance agreement. **“Historic properties”** are cultural resources (historic or prehistoric districts, sites, buildings, structures, or objects) that qualify for inclusion in the National Register of Historic Places. In some cases, **water delivery infrastructure that is over 50 years old** can be considered a “historic property” that is subject to review.

If a proposal is selected for award, Trinity River Restoration Program financial assistance recipients will work with Reclamation to complete the Section 106 process. Compliance can be accomplished in several ways—depending on how complex the issues are—including:

- If Reclamation determines that the project does *not* have the potential to cause effects to historic properties, then Reclamation will document its findings and the Section 106 process will be concluded. This can take anywhere from a couple of days to one month.
- If Reclamation determines that the proposed project *could* have effects on historic properties, a multi-step process, involving consultation with the State Historic Preservation Officer and other entities, will follow. Depending on the nature of the project and impacts to cultural resources, consultation can be complex and time consuming. The process includes a determination as to whether additional information is necessary; evaluation of the significance of identified cultural resources; assessment of the effect of the project on historic properties; and, if the project would have an adverse effect, evaluation of alternatives or modifications to avoid, minimize, or mitigate the effects. A Memorandum of Agreement is then used to record and implement any necessary measures. At a minimum, completion of the multi-step Section 106 process takes about two months.

The level of cultural resources compliance required, and the associated cost, depends on a case-by-case review of the circumstances presented by each proposal.

You should contact your State Historic Preservation Office and your local Reclamation office’s cultural resources specialist to determine what, if any, cultural resources surveys have been conducted in the project area. See

<http://www.usbr.gov/cultural/crmstaff.html> for a list of Reclamation cultural resource specialists. If an applicant has previously received Federal financial assistance for a project in the same geographic area as the project considered for award under this FOA, it is possible that a cultural resources survey has already been completed.

**b. Endangered Species Act**

Pursuant to Section 7 of the ESA, each Federal agency is required to consult with the U.S. Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service to ensure any action it authorizes, funds, or carries out is not likely to *jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat*.

Before Reclamation can approve the implementation of a Trinity River Restoration Program financial assistance project, it is required to comply with Section 7 of the ESA. The steps necessary for ESA compliance vary, depending on the presence of endangered or threatened species and the effects of the project. A general overview of the possible course of ESA compliance is:

- If Reclamation can determine that there are no endangered or threatened species or designated critical habitat in the project area, the ESA review is complete and no further compliance measures are required. This process can take anywhere from one day to one month.
- If Reclamation determines that endangered or threatened species may be affected by the project, then a **“Biological Assessment”** must be prepared by Reclamation. The Biological Assessment is used to help determine whether a proposed action may adversely affect a listed species or its designated critical habitat. The Biological Assessment may result in a determination that a proposed action *is not likely to adversely affect* any endangered or threatened species. If the USFWS/NOAA Fisheries Service concurs in writing, then no further consultation is required and ESA compliance is complete. Depending on the scope and complexity of the proposed action, preparation of a Biological Assessment can range from days to weeks or even months. The USFWS/NOAA Fisheries Service generally respond to requests for concurrence within 30 days.
- If it is determined that the project *is likely to adversely affect* listed species, further consultation (**“formal consultation”**) with USFWS or NOAA Fisheries Service is required to comply with the ESA. The process includes the creation of a **Biological Opinion** by the USFWS/NOAA Fisheries Service, including a determination of whether the project would **“jeopardize”** listed species and/or its habitat and, if so, whether any **reasonable and prudent** alternatives to the proposed project are

necessary to avoid jeopardy. Nondiscretionary **reasonable and prudent measures** and **terms and conditions** to minimize the impact of incidental take may also be included. Under the timeframes established in the ESA regulations, the Biological Opinion is issued within 135 days from the date that formal consultation was initiated, unless an extension of time is agreed upon.

- Obviously, the time, cost, and extent of the work necessary to comply with the ESA depends upon whether endangered or threatened species are present in the project area and, if so, whether the project might have effects on those species significant enough to require formal consultation.

ESA compliance is often conducted parallel to the NEPA compliance process and, as in the case of categorical exclusion checklists, documented simultaneously. The best source of information concerning the compliance with the ESA in a particular project area is the local Reclamation environmental staff, which can be helpful in determining the presence of listed species and possible effects that would require consultation with the USFWS or NOAA Fisheries Service. You are encouraged to contact your regional or area Reclamation office (see <http://www.usbr.gov/main/regions.html>) with questions regarding ESA compliance issues. You may also contact Linsey Walker, Grants and Agreements Technician, [lwalker@usbr.gov](mailto:lwalker@usbr.gov) for further information.

## **V.C. Reporting**

If the applicant is awarded an agreement as a result of this FOA, the applicant will be required to submit the following types of reports during the term of the agreement.

### **(1) Financial Reports**

- SF-425, Federal Financial Report, on a quarterly basis.
- Final report

### **(2) Program Performance Reports**

- Quarterly Program Performance reports.
- Final report (please note final reports are public documents and will be made available on Reclamation's website).

## **Section VI. Agency Contact(s)**

There will be no pre-application conference. Organizations or individuals interested in submitting applications in response to this FOA may *direct questions to Reclamation in writing*. Questions may be submitted to the attention of Linsey Walker, Grants and Agreements Technician, as follows:

**By mail:**

Bureau of Reclamation  
Attn: Linsey Walker  
Mail Code: NC-151B  
16349 Shasta Dam Blvd.  
Shasta Lake, CA 96019

**By e-mail:**

lwalker@usbr.gov

## **Section VII. References**

- United States Fish and Wildlife Service (USFWS) and Hoopa Valley Tribe (HVT). 1999. Trinity River Flow Evaluation Study - Final Report. A report to the Secretary, US Department of the Interior, Washington, D.C.
- United States Fish and Wildlife Service (USFWS), United States Bureau of Reclamation (USBOR), Hoopa Valley Tribe (HVT), and Trinity County (TC). 2000. Trinity River Draft and Final Environmental Impact Statement / Environmental Impact Report.
- United States Department of the Interior (USDOI). 2000. Record of Decision. Trinity River Mainstem Fishery Restoration Final Environmental Impact Statement/Environmental Impact Report. December 2000. 43pp.
- Stalnaker, C and Wittler, R J (2000) Implementation Plan for the Preferred Alternative of the Trinity River Final Environmental Impact Statement / Environmental Impact Report.